



PATENT  
Customer No. 22,852  
Attorney Docket No. 08350.9194-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Burnett et al. ) Group Art Unit: To be assigned  
) (Prior Appl. Group Art Unit: 3652)  
Application No.: 10/807,343 )  
) Examiner: To be assigned  
Filed: March 24, 2004 ) (Prior Appl. Examiner: C. Fox)  
)  
For: MODULATION OF EJECTOR )  
PUMPS TO PROVIDE UNIFORM )  
AND CONTROLLABLE EJECTOR )  
SPEED DURING EJECTOR )  
STROKE FOR ARTICULATED )  
TRUCKS AND THE LIKE HAVING )  
EJECTOR TYPE DUMP )  
MECHANISM )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application and before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents were previously submitted in a prior application, application no. 10/062,410, filing date February 5, 2002, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Applicants respectfully request that the

Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

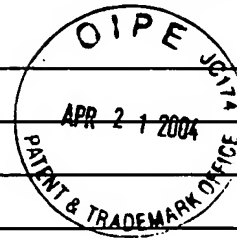
Dated: April 21, 2004

By: 

Dustin T. Johnson  
Reg. No. 47,684

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	08350.9194-02	Appln. No.	10/807,343
Applicant	Burnett et al.		
Filing Date	March 24, 2004	Group:	To be assigned



U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	2,047,602	7/1936	Tomlinson			
	2,353,120	7/1944	Austin			
	3,896,947	7/1975	Pearce			
	3,952,432	4/1976	Boersma			
	4,020,574	5/1977	Wagner			
	4,057,010	11/1977	Smith			
	4,522,551	6/1985	Henneberry			
	5,456,521	10/1995	Moyna			
	6,155,776	12/2000	Moyna			

FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce